

5-638557  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CIV 7690

MAERSK LINE,

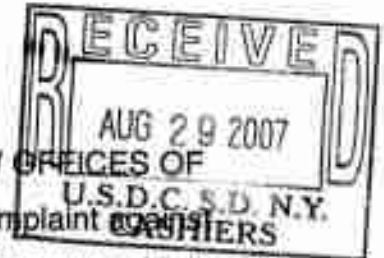
Plaintiff,

- against -

BMV EXPORT & IMPORT, INC.,

Defendant.

CIVIL COMPLAINT  
IN ADMIRALTY



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint  
defendant BMV EXPORT & IMPORT, INC., in personam, in a cause of action civil  
and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the consignee and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$27,715.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$27,715.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.


2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York  
August 24, 2007

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
MAERSK LINE  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

**SCHEDULE A**

**I. Defendant's status & address:**

A. Upon information and belief and at all times hereinafter mentioned, defendant **BMV EXPORT & IMPORT, INC.** was and still is a corporation organized and existing under the laws of the State of Illinois, with offices and a place of business at 1404 N. Noble Street, Chicago, IL 60622.

**II. Details of shipment(s):**

1. Bill of Lading No. **MAEU522867995**, dated April 21, 2007, Chicago to Beira via Durban on the Vessel **MSC ZURICH**, one (1) forty-foot Hi-Cube **SAID TO CONTAIN: UNSORTED RUGS**, at the applicable tariff and/or Service Contract rate of \$5,376.00 (Exhibit A).

Amount Paid: \$4,116.00

Amount Due: \$1,260.00

2. Bill of Lading No. **MAEU522898692**, dated April 28, 2007, from Chicago to Beira via Norfolk on the Vessel **SAFMARINE ILLOVO**, one (1) forty-foot container **SAID TO CONTAIN: USED CLOTHING**, at the applicable tariff and/or Service Contract rate of \$5,376.00 (Exhibit B).

Amount Paid: \$0

Amount Due: \$5,376.00

3. Bill of Lading No. **MAEU522977168**, dated May 5, 2007, from Chicago to Beira via Durban on the Vessel **SANTA ADRIANA**, one (1) forty-foot Hi-Cube **SAID TO CONTAIN: USED CLOTHING**, at the applicable tariff and/or Service Contract rate of \$5,376.00 (Exhibit C).

Amount Paid: \$0

Amount Due: \$5,376.00

TO CONTAIN: UNSORTED RUGS, at the applicable tariff and/or Service Contract  
rate of \$5,376.00 (Exhibit D).

Amount Paid: \$0

Amount Due: \$5,376.00

5. Bill of Lading No. MAEU522899573, dated May 26, 2007, from Chicago  
to Beira via Norfolk on the Vessel MSC AMSTERDAM, one (1) forty-foot container  
SAID TO CONTAIN: UNSORTED RUGS, at the applicable tariff and/or Service  
Contract rate of \$5,506.00 (Exhibit E).

Amount Paid: \$0

Amount Due: \$5,506.00

6. Bill of Lading No. MAEU523016637, dated July 17, 2007, from Chicago  
to Beira via Norfolk on the Vessel SAFMARINE GONUBIE, one (1) forty-foot  
container SAID TO CONTAIN: UNSORTED RUGS, at the applicable tariff and/or  
Service Contract rate of \$4,821.00 (Exhibit F).

Amount Paid: \$0

Amount Due: \$4,821.00

III. Total Amount Due: \$27,715.00